IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 17425 of 2007(Y)

PETITIONER:

M. SINIDAS, D/O. M.DEVADAS,
KUNTHIRIYATT KUZHIYIL, P.O. KARUMARAKAD,
MALAPPURAM.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. THE TAHSILDAR, ERANAD.

2. VILLAGE OFFICER,
VAZHAKKAD VILLAGE, MALAPPURAM.

BY GOVERNMENT PLEADER SRI. SANTHOSH KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.17425/2007.

EXT.P1: TRUE COPY OF THE NATIVITY CERTIFICATE ISSUED BY THE 2ND RESPONDENT DATED 14.10.1999.

EXT.P2: TRUE COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE FATHER OF THE PETITIONER.

EXT.P3: TRUE COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE GRAND MOTHER OF THE PETITIONER.

EXT.P4; TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 5.10.2006.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.17425 OF 2007

DATED THIS THE 22nd DAY OF AUGUST, 2007

JUDGMENT

The petitioner claims that she belongs to the 'Mannan' community, which is recognised as a scheduled caste as per the Constitution (Scheduled Tribes) Order, 1950. The petitioner approaches this Court aggrieved by the refusal on the part of the respondents to issue community certificate to the petitioner as per Ext.P4 application submitted by her father.

2. The learned special Government pleader appearing on behalf of the Government raises two contentions. First is that Ext.P4 application is submitted by the father of the petitioner and not the petitioner, who is a major. Second is that it is to be ascertained whether the petitioner has subsequently changed her community as 'Peruvannan' and therefore it would be necessary to peruse the evidences available to decide that question.

3. Having heard both sides, the writ petition is disposed of with the following directions.

The 1st respondent shall consider Ext.P4 as an application submitted on behalf of the petitioner by her father and pass

appropriate orders thereon for issue of community certificate. The petitioner shall produce certified copy of the relevant page of the Secondary School Leaving Certificate along with Exts.P1 to P3 before the 1st respondent, on the basis of which the 1st respondent shall issue the community certificate. This shall be done within a period of two weeks from the date when the petitioner produces the above said documents.

S. SIRI JAGAN, JUDGE

Acd